

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
NOV 1 9 7
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF SOUTH KENTUCKY RURAL)
ELECTRIC COOPERATIVE CORPORATION FOR) CASE NO.
THE APPROVAL TO PURCHASE THE FIXED) 2007-00374
ASSETS OF THE MONTICELLO ELECTRIC)
PLANT BOARD)

SUPPLEMENTAL MEMORANDUM OF SOUTH KENTUCKY
RURAL ELECTRIC COOPERATIVE CORPORATION

*** ***** ***

Comes South Kentucky Rural Electric Cooperative Corporation (“South Kentucky”) by counsel, and supplements its Informal Conference Memorandum served November 13, 2007 as follows:

KRS 82.082, appears to be dispositive. The entire statute provides as follows:

KRS 82.082 Power for public purpose only and not in conflict with Constitution or statutes

- (1) A city may exercise any power and perform any function within its boundaries, including the power of eminent domain in accordance with the provisions of the Eminent Domain Act of Kentucky, that is in furtherance of a public purpose of the city and not in conflict with a constitutional provision or statute.
- (2) A power or function is in conflict with a statute if it is expressly prohibited by a statute or there is a comprehensive scheme of legislation on the same general subject embodied in the Kentucky Revised Statutes including, but not limited to, the provisions of KRS Chapters 95 and 96.

This statute which immediately precedes and qualifies KRS 82.083 provides that when a comprehensive scheme of legislation is stated, it shall prevail. Subsection (2) of KRS 82.082

even specifically identifies KRS Chapter 96 by which the Monticello Electric Plant Board to South Kentucky transaction was handled. For this additional reason, KRS 82.083 is applicable.



DARRELL L. SAUNDERS
ATTORNEY FOR SOUTH KENTUCKY
RURAL ELECTRIC COOPERATIVE
CORPORATION
700 MASTER STREET
P.O. BOX 1324
CORBIN, KENTUCKY 40702
(606) 523-1370 TELEPHONE
(606) 523-1372 FACSIMILE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was this 16th day of November, 2007 deposited in the regular United States mail, all postage prepaid and addressed for delivery to the following:

1. Mr. Quang Nguyen, Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, KY 40602-0615 and via e-mail to quangD.Nguyen@ky.gov.
2. Mr. Dennis Howard, II, Assistant Attorney General, Capitol Building, Suite 118, Capitol Avenue, Frankfort, KY 40601 and via e-mail to dennis.howard@ag.ky.gov.

Original to: Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, KY 40602-0615.



ATTORNEY FOR SOUTH KENTUCKY RURAL
ELECTRIC COOPERATIVE CORPORATION